



## Department of Energy

Office of Civilian Radioactive Waste Management  
Office of Repository Development  
P.O. Box 364629  
North Las Vegas, NV 89036-8629

MOL.20030922.0177

QA: N/A

JUL 25 2003

Les W. Bradshaw, Manager  
Nye County Department of Natural Resources  
and Federal Facilities  
1210 East Basin Road, Suite 6  
Pahrump, NV 89060

### PROPOSED NEW COOPERATIVE AGREEMENT NUMBER DE-FC28-03RW12223 FOR YUCCA MOUNTAIN TRANSPORTATION ISSUES AND CONCERNS UNIQUE TO THE DESTINATION COUNTY

The U.S. Department of Energy (DOE) is contemplating a cooperative agreement with Nye County. To initiate this process, DOE requires the submission of a financial Assistance Application package. To aid in the preparation of this application package, a copy of the program description along with the Cooperative Agreement application forms have been enclosed. The completion of the following forms is necessary for this submittal:

1. A completed Standard Form 424, "Application for Federal Assistance"
2. A completed DOE F4600.4 form, "Federal Assistance Budget Information"
3. A completed DOE F4600.4 form, "Budget Explanation Page"
4. An original signed copy of the "Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements"
5. An original signed copy of Standard Form 424B, "Assurances - Non-Construction Programs"
6. An original signed copy of DOE Form 1600.5, "Assurance of Compliance"
7. Program Description

This letter should not be misconstrued as a commitment on the part of DOE. Furthermore, this letter does not impose any obligation on the part of DOE if an award is not made or if an award is made in a lesser amount than the recipient expects.

Your completed package should be received no later than 20 days after receipt of this letter. Technical and business reviews will be initiated upon receipt of this package in this office. Should you have any questions or require any assistance, please contact Spencer R. Peterson at (702) 794-5521.

Wayne B. Miller  
Contracting Officer

OPS:SRP-1588

Enclosures:  
As stated

cc w/encls:  
Records Processing Center = "24"

Les W. Bradshaw

-2-

JUL 25 2003

cc w/o encls:

Margaret Chu, DOE/HQ (RW-1), FORS  
A. B. Brownstein, DOE/HQ (RW-52), FORS  
D. N. Callier, DOE/HQ (RW-30E), FORS  
G. J. Lanthrum, DOE/HQ (RW-30E), FORS  
K. L. Garcia, Nye County, Pahrump, NV  
CMS Coordinator, BSC, Las Vegas, NV

# APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

<b>1. TYPE OF SUBMISSION:</b> Application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		<b>2. DATE SUBMITTED</b> July 21, 2003	Applicant Identifier
<b>3. DATE RECEIVED BY STATE</b>		State Application Identifier	
<b>4. DATE RECEIVED BY FEDERAL AGENCY</b>		Federal Identifier	

**5. APPLICANT INFORMATION**  

Legal Name:	Organizational Unit:
Address (give city, county, State, and zip code):	Name and telephone number of person to be contacted on matters involving this application (give area code)

**6. EMPLOYER IDENTIFICATION NUMBER (EIN):**  
**8. TYPE OF APPLICATION:**  

☐ New
☐ Continuation
☐ Revision

If Revision, enter appropriate letter(s) in box(es)

A. Increase Award
B. Decrease Award
C. Increase Duration

D. Decrease Duration
Other(specify):

**7. TYPE OF APPLICANT: (enter appropriate letter in box)**  

A. State  
B. County  
C. Municipal  
D. Township  
E. Interstate  
F. Intermunicipal  
G. Special District

H. Independent School Dist.  
I. State Controlled Institution of Higher Learning  
J. Private University  
K. Indian Tribe  
L. Individual  
M. Profit Organization  
N. Other (Specify) \_\_\_\_\_

**9. NAME OF FEDERAL AGENCY:**

**10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:**  

TITLE:

**11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:**

**12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):**

13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project

**15. ESTIMATED FUNDING:**  

a. Federal	\$ .00
b. Applicant	\$ .00
c. State	\$ .00
d. Local	\$ .00
e. Other	\$ .00
f. Program Income	\$ .00
g. TOTAL	\$ 0.00

**16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?**  

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE \_\_\_\_\_

b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372  
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

**17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?**  
☐ Yes If "Yes," attach an explanation. ☐ No

**18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.**  

a. Type Name of Authorized Representative	b. Title	c. Telephone Number
d. Signature of Authorized Representative		e. Date Signed

## INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item:   | Entry:   |
|---|--|
| 1. Self-explanatory.  | 12. List only the largest political entities affected (e.g., State, counties, cities).   |
| 2. Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).  | 13. Self-explanatory.  |
| 3. State use only (if applicable).  | 14. List the applicant's Congressional District and any District(s) affected by the program or project.  |
| 4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.  | 15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.   | 16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.  |
| 6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.  | 17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.  |
| 7. Enter the appropriate letter in the space provided.  | 18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)  |
| 8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:  |  |
| -- "New" means a new assistance award.  |  |
| -- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.  |  |
| -- "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.  |  |
| 9. Name of Federal agency from which assistance is being requested with this application.   |  |
| 10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.   |  |
| 11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project. |  |

**U.S. Department of Energy  
Federal Assistance Budget Information**

OMB Control No.  
1910-0400

**OMB Burden Disclosure Statement**

Public reporting burden for this collection of information is estimated to average 1.87 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Office of Information Resources Management Policy, Plans, and Oversight, Records Management Division, HR-422 - GTN, Paperwork Reduction Project (1910-0400), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585; and to the Office of Management and Budget (OMB), Paperwork Reduction Project (1910-0400), Washington, DC 20503.

1. Program/Project Identification No.	2. Program/Project Title		
3. Name and Address		4. Program/Project Start Date	5. Completion Date

**SECTION A - BUDGET SUMMARY**

Grant Program Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		\$	\$	\$	\$	\$
2.						
3.						
4.						
5. TOTALS		\$	\$	\$	\$	\$

**SECTION B - BUDGET CATEGORIES**

6. Object Class Categories	Grant Program, Function or Activity				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$	\$	\$	\$	\$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges					
j. Indirect Charges					
k. TOTALS	\$	\$	\$	\$	\$
7. Program Income	\$	\$	\$	\$	\$



Printed with soy ink on recycled paper

## FEDERAL ASSISTANCE BUDGET INFORMATION

### INSTRUCTIONS

- Item 1 - Enter the Federal grant or agreement identification number for the current year as it appears in the official award, if known.
- Item 2 - Enter the Program/Project official title as it appears in the award.
- Item 3 - Enter name and address of the agency or office responsible for coordination and administration of the Program/Project.
- Item 4 - Enter the official start date.
- Item 5 - Enter the official completion date as of the latest program modification.

### Section A. Budget Summary

Lines 1-4, Columns (a) and (b).

For applications pertaining to a single Federal assistance program (Federal Domestic Assistance Catalog number) and not requiring a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a single program requiring budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to multiple programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g).

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project.

For continuing assistance program applications, submit these forms before the end of each funding year if required by Program Manager. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the funding period only if the award instructions provide for this. Otherwise, leave these columns blank. Enter in Columns (e) and (f) the amount of funds needed for the upcoming period. The amount(s) in

Column (g) should be the sum of the amounts in Columns (e) and (f).

For supplemental awards and changes to existing awards, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of the amounts in Columns (e) and (f).

Line 5 - Show the totals for all columns used.

### Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets were prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Item 6a-h Show the estimated amount for each direct cost budget (object class) category for each column with program, function or activity heading.

Item 6i - Show the totals of Lines 6a to 6h in each column.

Item 6j - Show the amount of indirect cost.

Item 6k - Enter the total of amounts on Line 6i and 6j. For all applications for new and continuation awards, the total amount in Column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental awards and changes to awards, the total amount of the increase or decrease as shown in Columns (1) - (4), Line 6k, should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5. When additional sheets were prepared, the last two sentences apply only to the first page with summary totals.

Item 7 - Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the Program Manager in determining the total amount of the award.

THIS REPORT IS REQUIRED IN ACCORDANCE WITH 42 U.S.C. 7254 AND 40 U.S.C. 471 ET SEQ. FAILURE TO REPORT MAY RESULT IN CONTRACT TERMINATION OR PENALTIES AS PROVIDED BY LAW.



## BUDGET EXPLANATION PAGE FOR FORM DOE F 4600.4

Grantee: \_\_\_\_\_ Budget Period: \_\_\_\_\_

Grant/Proposal Number: \_\_\_\_\_ Amendment Number: \_\_\_\_\_

Negotiation and administration of Financial Assistance awards will be in accordance with DOE Financial Assistance Rules (10 CFR Part 600). Post award forms and other reference documents may also be obtained electronically through the Internet.

**1. BUDGET INFORMATION**

**THE FOLLOWING INFORMATION MUST BE SUPPLIED AND MUST INCLUDE ALL PROJECT COSTS INCLUDING DOE REQUESTED FUNDING AND ANY RECIPIENT COST SHARE.** Please provide detailed data to support each cost category as follows. The information can either be provided in the Applicants format or included on this form.

**a. PERSONNEL**

1. Identify, by title and name, each position to be supported under the proposed award.
2. Briefly specify the duties of professionals to be compensated under this project and provide resumes for each individual.
3. State the amounts of time, such as hours, to be expended by each position, their base pay rate and total direct compensation under this project. Provide the amounts of time by tasks as proposed in the Statement of Work.

Position/Person	Time	X	Rate	=
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4. Supply rate verification documentation (e.g., labor distribution report).

**b. FRINGE BENEFITS**

1. Indicate the basis for computation of rates, including the types of benefits to be provided, the rate(s) used, and the cost base for each rate.
2. Are the fringe cost rates approved by a Federal Agency? If so, identify the agency, period of applicability, and date of latest rate agreement or audit and provide the approval letter.

**c. TRAVEL**

Identify total Foreign and Domestic Travel as separate items.

1. Indicate the estimated number of trips, number of travelers, names/positions of travelers, number of days per trip, point of origin, destination, and purpose of travel.
2. For each trip, itemize the estimate of transportation and/or subsistence costs, including airfare, mileage, rental car expenses, lodging costs, and per diem.
3. Specify the basis for computation of each type of travel expense (e.g., current airline ticket quotes, past trips of a similar nature, federal government or organization travel policy, etc.) and supply supporting information (e.g., quotes, previous invoices, historical data, etc.).



d. **EQUIPMENT** - As defined at 10 CFR 600.101 and 10 CFR 600.202, "Equipment".

1. Itemize the equipment and briefly justify the need for the items of equipment to be purchased as they apply to the Statement of Work.
2. Indicate the estimated unit cost and number of units for each item to be purchased.
3. Provide the basis for the equipment cost estimates (e.g., vendor quotes, published price lists, prior purchases of similar or like items, etc.) and supply supporting information (e.g., vendor quotes, previous invoices, historical data, published price list, etc.).

e. **SUPPLIES** - As defined at 10 CFR 600.101 and 10 CFR 600.202, "Supplies".

1. Identify the materials and supplies and briefly justify the need for each item as they apply to the Statement of Work.
2. Indicate the estimated unit cost and number of units for each item to be purchased.
3. Provide the basis for the material cost estimates (e.g., vendor quotes, prior purchases of similar or

like items, published price list, etc.) and supply supporting information (e.g. quotes, previous invoices, historical data, published price list, etc.).

f. **CONTRACTUAL**

1. Provide a Statement of Work and cost proposal for each selected contractors/subgrantee and supply the following:

<u>Contractor/Subgrantee</u>	<u>Competitively selected:</u> <u>Cost</u>	<u>Work Description</u>
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<u>Contractor/Subgrantee</u>	<u>Non-competitively selected*:</u> <u>Cost</u>	<u>Work Description</u>	<u>Sole Source Justification</u>
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- \* For each non-competitively selected contractor or subgrantee, have the contractor and subgrantee complete a GO-PF20, Budget Information Page For Form DOE F 4600.4 and attach them to this form.

2. For each proposed procurement contract and subgrant for which a contractor/subgrantee selection has not been made complete the following:

Cost Estimate

Basis for the Cost Estimate\*

Work Description

\* Identify the basis of the cost estimate (e.g., quotes, prior subcontracts, etc.) and supply supporting information (e.g., quotes, previous invoices, historical data, etc.).

**g. CONSTRUCTION**

1. Identify the proposed construction costs and identify the subcontractor/subgrantee to perform the construction.
2. Provide a Statement of Work and either a cost proposal or a completed Budget Information Page For Form DOE F 4600.4 for each selected contractors/subgrantee. For proposed procurement contract and subgrant for which a contractor/subgrantee selection has not been made provide work scope and basis of cost estimate. If non-competitively selected provide a sole source justification.

**h. OTHER**

1. Identify other costs and briefly justify the need for each cost item proposed relative to the work scope.
2. Indicate the estimated unit cost and number of units for each item proposed.

3. Provide the basis for the cost estimates (e.g., vendor quotes, prior purchases of similar or like items, published price list, etc.) and supply the supporting information (e.g., quotes, previous invoices, historical data, published price list, etc.).

**i. INDIRECT CHARGES**

1. State the amounts and percentages used for calculation of indirect costs.
2. Are the indirect cost rates approved by a Federal Agency? If so, identify the agency and date of latest rate agreement or audit and supply the approved rate agreement.
3. If indirect cost rates are not approved by a Federal Agency, state the basis for the proposed indirect cost rates and provide a rate proposal.

**2. ADDITIONAL INFORMATION**

**a. COST SHARE**

1. Identify the percentage and amount of cost sharing proposed by each project participant. Cost sharing from other Federal sources can not be counted as non-Federal Recipient contributions. Non-Federal sources include private, state or local Government, or any sources that were not originally derived from Federal funds.

2. Identify the source of the Applicant's cost share (e.g., corporate equity, loan, etc.).

3. Identify the type (e.g., in-kind, cash, etc.) of cost share contributions and supply funding commitment letters from each contributor. Note that "cost sharing" is not limited to cash investment. In-kind contributions (e.g., contribution of services or property; donated equipment, buildings, or land; donated supplies; or unrecovered indirect costs) incurred as part of the project may be considered as all or part of the cost share.

**b. FINANCIAL CAPABILITY**

1. Document applicant's compliance with Financial Management System specifications per 10 CFR 600.121.

2. Provide current financial statements for the applicant. If the statements are audited, provide the complete audit report with footnotes.

FA-CERTS (3/00)

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**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 10 CFR Part 601 "New Restrictions on Lobbying," and 10 CFR Part 1036 "Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Energy determines to award the covered transaction, grant, or cooperative agreement.

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**1. Lobbying**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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**2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
  - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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**3. DRUG-FREE WORKPLACE**

This certification is required by the Drug-Free Workplace Act of 1988 (Pub.L. 100-690, Title V, Subtitle D) and is implemented through additions to the Debarment and Suspension regulations, published in the Federal Register on January 31, 1989, and May 25, 1990.

**ALTERNATE 1 (GRANTEES OTHER THAN INDIVIDUALS)**

- (1) The grantee certifies that it will or will continue to provide a drug-free workplace by:
  - (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

- (1) The dangers of drug abuse in the workplace;
- (2) The grantee's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

- (1) Abide by the terms of the statement; and
- (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace not later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a),(b),(c),(d),(e), and (f).

(2) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance: (Street address, city, county, state, zip code)

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☐ Check if there are workplaces on file that are not identified here.

**ALTERNATE II (GRANTEES WHO ARE INDIVIDUALS)**

(1) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant.

(2) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT and PR/AWARD NUMBER and/or PROJECT NAME

PRINTED NAME and TITLE OF AUTHORIZED REPRESENTATIVE



SIGNATURE and DATE



**ASSURANCES - NON-CONSTRUCTION PROGRAMS**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE	
APPLICANT ORGANIZATION		DATE SUBMITTED  July 21, 2003

U.S. Department of Energy  
Assurance of Compliance  
Nondiscrimination in Federally Assisted Programs

OMB Control No.  
1910-0400

**OMB Burden Disclosure Statement**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Office of Information Resources Management Policy, Plans, and Oversight, Records Management Division, HR-422 - GTN, Paperwork Reduction Project (1910-0400), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585; and to the Office of Management and Budget (OMB), Paperwork Reduction Project (1910-0400), Washington, DC 20503.

\_\_\_\_\_. (Hereinafter called the "Applicant")  
HEREBY AGREES to comply with Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), Section 16 of the Federal Energy Administration Act of 1974 (Pub. L. 93-275), Section 401 of the Energy Reorganization Act of 1974 (Pub. L. 93-438), Title IX of the Education Amendments of 1972, as amended, (Pub. L. 92-318, Pub. L. 93-568, and Pub. L. 94-482), Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), the Age Discrimination Act of 1975 (Pub. L. 94-135), Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284), the Department of Energy Organization Act of 1977 (Pub. L. 95-91), the Energy Conservation and Production Act of 1976, as amended, (Pub. L. 94-385) and Title 10, Code of Federal Regulations, Part 1040. In accordance with the above laws and regulations issued pursuant thereto, the Applicant agrees to assure that no person in the United States shall, on the ground of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity in which the Applicant receives Federal assistance from the Department of Energy.

**Applicability and Period of Obligation**

In the case of any service, financial aid, covered employment, equipment, property, or structure provided, leased, or improved with Federal assistance extended to the Applicant by the Department of Energy, this assurance obligates the Applicant for the period during which Federal assistance is extended. In the case of any transfer of such service, financial aid, equipment, property, or structure, this assurance obligates the transferee for the period during which Federal assistance is extended. If any personal property is so provided, this assurance obligates the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance obligates the Applicant for the period during which the Federal assistance is extended to the Applicant by the Department of Energy.

**Employment Practices**

Where a primary objective of the Federal assistance is to provide employment or where the Applicant's employment practices affect the delivery of services in programs or activities resulting from Federal assistance extended by the Department, the Applicant agrees not to discriminate on the ground of race, color, national origin, sex, age, or disability, in its employment practices. Such employment practices may include, but are not limited to, recruitment, advertising, hiring, layoff or termination, promotion, demotion, transfer, rates of pay, training and participation in upward mobility programs; or other forms of compensation and use of facilities.

**Subrecipient Assurance**

The Applicant shall require any individual, organization, or other entity with whom it subcontracts, subgrants, or subleases for the purpose of providing any service, financial aid, equipment, property, or structure to comply with laws and regulations cited above. To this end, the subrecipient shall be required to sign a written assurance form; however, the obligation of both recipient and subrecipient to ensure compliance is not relieved by the collection or submission of written assurance forms.

**Data Collection and Access to Records**

The Applicant agrees to compile and maintain information pertaining to programs or activities developed as a result of the Applicant's receipt of Federal assistance from the Department of Energy. Such information shall include, but is not limited to the following: (1) the manner in which services are or will be provided and related data necessary for determining whether any persons are or will be denied such services on the basis of prohibited discrimination; (2) the population eligible to be served by race, color, national origin, sex, age and disability; (3) data regarding covered employment including use or planned use of bilingual public contact employees serving beneficiaries of the program where necessary to permit effective participation by beneficiaries unable to speak or understand English; (4) the location of existing or proposed facilities connected with the program and related information adequate for determining whether the location has or will have the effect of unnecessarily denying access to any person on the basis of prohibited discrimination; (5) the present or proposed membership by race, color, national origin, sex, age and disability in any planning or advisory body which is an integral part of the program; and (6) any additional written data determined by the Department of Energy to be relevant to the obligation to assure compliance by recipients with laws cited in the first paragraph of this assurance.



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The Applicant agrees to submit requested data to the Department of Energy regarding programs and activities developed by the Applicant from the use of Federal assistance funds extended by the Department of Energy. Facilities of the Applicant (including the physical plants, buildings, or other structures) and all records, books, accounts, and other sources of information pertinent to the Applicant's compliance with the civil rights laws shall be made available for inspection during normal business hours on request of an officer or employee of the Department of Energy specifically authorized to make such inspections. Instructions in this regard will be provided by the Director, Office of Civil Rights, U.S. Department of Energy.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts (excluding procurement contracts), property, discounts or other Federal assistance extended after the date hereof, to the Applicants by the Department of Energy, including installment payments on account after such data of application for Federal assistance which are approved before such date. The Applicant recognizes and agrees that such Federal assistance will be extended in reliance upon the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, the successors, transferees, and assignees, as well as the person(s) whose signatures appear below and who are authorized to sign this assurance on behalf of the Applicant.

### Applicant Certification

The Applicant certifies that it has complied, or that, within 90 days of the date of the grant, it will comply with all applicable requirements of 10 C.F.R. § 1040.5 (a copy will be furnished to the Applicant upon written request to DOE).

Designated Responsible Employee

\_\_\_\_\_  
Name and Title (Printed or Typed)

\_\_\_\_\_  
( )

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's Name

\_\_\_\_\_  
( )

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Address:

\_\_\_\_\_  
Date

Agency Use Only

**PROJECT DESCRIPTION  
NYE COUNTY, NEVADA  
COOPERATIVE AGREEMENT**

**1.0 BACKGROUND/INTRODUCTION**

Since the Yucca Mountain site is located within Nye County, all shipments to the geologic repository will traverse Nye County. DOE is interested in understanding the unique perspectives of the "Destination County" as it plans its transportation infrastructure and operations. The principle purpose of this cooperative agreement is to allow Nye County to conduct independent assessments of the Yucca Mountain transportation issues and perspectives unique to the Destination County. The assessments will provide the basis for Nye County to make substantive technical comments and recommendations for DOE to consider in preparation of the transportation strategies and policies within the state of Nevada.

Under this agreement, DOE will provide funding over a five-year period to Nye County for cooperative planning and technical assessments of transportation infrastructure alternatives that will inform DOE as it develops its Nevada transportation program.

Activities funded under this agreement will be conducted in support of the following objectives:

- Improve DOE's understanding of Nye County's land-use planning activities.
- Ensure that local resource planning perspectives are addressed in DOE's Nevada Transportation infrastructure planning.
- Provide DOE with Nye County's insights on economic development opportunities associated with DOE's Nevada transportation infrastructure development.

This agreement will establish a program that encourages and facilitates ongoing collaborative efforts between Nye County and the Department of Energy. The activities envisioned will involve collaborative efforts between DOE and Nye County personnel. The activities will be authorized as specific activities, with specific technical requirements for each activity to be defined on a case-by-case basis. The DOE will conduct periodic reviews of ongoing studies and annual reviews of the overall program to determine strategic objectives for further study.

**2.0 SCOPE**

Under this agreement, Nye County will perform the following activities:

- municipal infrastructure planning (e.g., water, transportation, power, rights of way)
- alternative route evaluation and planning
- land use development evaluation
- evaluation of mixed-mode transportation issues and opportunities
- consideration of economic development opportunities associated with DOE transportation infrastructure and facilities

The activities are purposely broadly described. Further definition of the activities may occur during the life of the Cooperative Agreement.

### **3.0 REQUIREMENTS**

All activities performed by Nye County will be in accordance with applicable State of Nevada, local and Federal laws and regulations, and where applicable in accordance with Project permits. Compliance with Office of Civilian Radioactive Waste Management (OCRWM) procedures and Nevada Test Site (NTS) is mandatory for activities performed at the NTS.

In general, Nye County will work to its own technical, quality assurance, environmental, and health and safety plans.

Nye County is not required to comply with the Yucca Mountain Quality Assurance Requirements Document (QARD). However, in performing the activities set forth in this agreement, it is understood and agreed that Nye County will follow the provisions of the OCRWM Quality Assurance (QA) program, if applicable.

### **4.0 RESPONSIBILITIES**

Nye County is responsible for carrying out this Project in accordance with the terms and conditions of this cooperative agreement, with applicable state and federal laws, and using good business, safety and professional practices.